

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

LOCAL GENERAL ORDER NO. 23

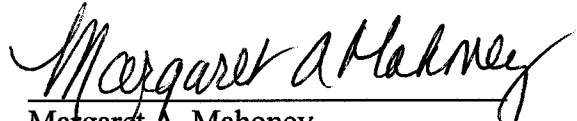
ELECTRONIC CASE FILING PROCEDURES


Federal Rule of Civil Procedure 83 and Federal Rules of Bankruptcy Procedure (FRBP) 5005(a)(2), and 9011 authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and papers by electronic means. This Order sets out the rules and required procedures for Electronic Case Filing (ECF) in this District.

1. The Administrative Procedures Manual/Guidelines for Electronic Filing (Guidelines) has been presented to this court, and is hereby approved in its current form. Subsequent amendments may be made to these Guidelines and such amendments shall be presented to the Court for approval.
2. The electronic filing of a petition, pleading, motion, claim or other paper by an attorney or unrepresented party who is a registered participant in the Electronic Case Filing system shall constitute the signature of that attorney or unrepresented party under FRBP 9011 and other applicable rules.
3. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.
4. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the attorney's law firm;
5. The electronic filing of a pleading or other paper in accordance with the Guidelines shall constitute entry of that pleading or other paper on the docket kept by the Clerk of Court in accordance with FRBP 5003.
6. The office of the Clerk shall enter all orders, decrees, judgments and amendments of the court in accordance with the Guidelines, which shall constitute entry of the order, decree, judgment or proceeding on the docket kept by the clerk under FRBP 9021;
 - a. Whenever a pleading, motion, or other paper is filed electronically in accordance with the Guidelines, the office of the Clerk shall serve the filing party with "Notice of Electronic Filing" by electronic means at the time of filing, or shortly thereafter.

- b. The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules. If service by first class mail is permitted under the rules, the filing party may, alternatively, make service in accordance with sub-paragraph © below.
 - c. If the intended recipient of a notice, pleading, electronic filing or other paper is a registered participant in the Electronic Case Filing System, service by electronic means of the Notice of Filing shall be the equivalent of service of the pleadings or other paper by first class mail, postage prepaid.
- 7. Participation in the Electronic Case Filing System by receipt of a password provided by the court shall constitute a request for service and notice by electronic means pursuant to FRBP 9036. Participants in the Electronic Case Filing System, by possessing a password from the court, agree to receive notice and service by electronic means both from the court and from other ECF participants, wherever located.
 - 8. Any order filed and signed electronically and hence without the original signature of a judge shall have the same force and effect as if the judge had affixed his signature to a paper copy of the order and it had been entered on the document in a conventional manner.
 - 9. Within five (5) days after the filing of any petition, statement, motion, schedule, verification or mailing matrix, amendment, and/or any verification, and/or unsworn declaration, or other affidavit or paper required by this Rule or the Guidelines that bears the electronic signature of a debtor, creditor, person, party, or entity, other than one whose electronic signature is the name of a party to whom the court has issued a password, the attorney for the signing person, or, if there not an attorney, the signing person, shall mail to the court an original signed Declaration conforming to Form No. 3 of the Guidelines, designating the paper(s) covered by the Declaration. Original Declarations shall be maintained by the court in a manner deemed appropriate by the Clerk.
 - 10. Tendered orders submitted to the court may be submitted by electronic means and must be submitted in a format outlined by the court.
 - 11. Papers to be filed at the Clerk's office in Mobile and at the U.S. District Court in Selma shall be filed within the office hours of the Clerk's office as set forth in the Guidelines.
 - 12. Papers filed from a remote location may be filed at any time.

13. Filing petitions, papers and pleadings electronically shall be suspended if the system for electronic filing is out of service when the papers are to be filed. If the system for electronic filings is out of service but the papers to be filed cannot be filed until after the Clerk's office opens to the public, the filer shall make arrangements with the Clerk or the Clerk's designee for non-electronic filing. In the case of extraordinary emergencies, such as failure of the electronic filing system after the close of business hours, the Clerk shall designate an employee to receive filings in the event of such an occurrence who can be located by means of the court's voice mail telephone answering system, or such other system as designated by the Clerk. In this event, the Clerk may alternatively advise the filer to place the papers at a designated after-hours filing box.
14. If the clerk's office deems it necessary to electronically scan a paper document into the court's electronic filing system, then the electronically scanned document shall constitute the official record of the court, and the paper document will be discarded without further notice.
15. Nothing contained in this order is intended, or shall be construed to alter or modify any party's duties under, or the provisions of the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure.


Margaret A. Mahoney
Chief U.S. Bankruptcy Judge


William S. Shulman
U.S. Bankruptcy Judge

DATE: 4/17/02